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**OK/HAV**

7  
8 Attorney for Defendant  
9 JOSEPH McELROY

10  
11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE EASTERN DISTRICT OF CALIFORNIA

13  
14 UNITED STATES OF AMERICA, ) NO. CR S-05-167-DFL  
15 Plaintiff, )  
16 v. ) STIPULATION CONTINUING STATUS  
17 ) CONFERENCE AND EXCLUDING TIME;  
18 JOSEPH McELROY, ) ORDER  
19 Defendant. ) Date: December 14, 2006  
20 ) Time: 10:00 a.m.  
21 ) Judge: Hon. David F. Levi  
22 \_\_\_\_\_ )  
23

24 A status conference in this matter is currently scheduled for  
25 November 30, 2006. Plaintiff United States of America and Defendant  
26 JOSEPH McELROY, through their respective attorneys, hereby stipulate  
and agree to continue the status conference until December 14, 2006 at  
10:00 a.m.

27 The investigation of this case is ongoing. The defense needs  
28 additional time to complete this investigation. In addition, the  
attorney for the government and Mr. McElroy's attorney are engaged in  
discussions attempting to resolve this case.

29 The parties further stipulate and agree that the time period from  
30 today, November 27, 2006, to December 14, 2006 be excluded under the

1 Speedy Trial Act, 18 U.S.C. §3161(h)(8)(B)(iv) and Local Code T4,  
2 because the failure to grant such a continuance would deny counsel for  
3 the defendant the reasonable time necessary for effective preparation,  
4 taking into account the exercise of due diligence.

5 Dated: November 27, 2006

Respectfully submitted,

7 /s/ Daniel J. Broderick  
8 DANIEL J. BRODERICK  
Federal Defender  
9 Attorney for Defendant  
JOSEPH MCELROY

10 Dated: November 27, 2006

11 MC GREGOR W. SCOTT  
United States Attorney

13 /s/ Kenneth J. Melikian  
14 KENNETH J. MELIKIAN  
Assistant U.S. Attorney  
15 Attorney for Plaintiff

16 **O R D E R**

17 IT IS HEREBY ORDERED that the status conference in this case,  
18 currently scheduled for November 30, 2006, shall be continued to  
19 December 14, 2006 at 10:00 a.m. IT IS FURTHER ORDERED that, for the  
20 reasons stated in the stipulation, the time period from November 27,  
21 2006 to December 14, 2006, be excluded under the Speedy Trial Act, 18  
22 U.S.C. §3161(h)(8)(B)(iv) and Local Code T4, because the failure to  
23 grant such a continuance would deny counsel for the defendant the  
24 reasonable time necessary for effective preparation, taking into  
25 account the exercise of due diligence.

26 Dated: November 28, 2006

27 /s/ David F. Levi  
DAVID F. LEVI  
28 United States District Judge